

## **EXHIBIT B**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

LaShawn Sharpe, et al., *individually on behalf  
of himself and all others similarly situated,*

Plaintiffs,

– against –

A&W Concentrate Company  
and Keurig Dr. Pepper Inc.,

Defendants.

No. 19-cv-00768-BMC

**PLAINTIFFS' NOTICE OF  
DEPOSITION PURSUANT TO  
FEDERAL CIVIL PROCEDURE RULE  
30(b)(6)**

**PLEASE TAKE NOTICE** that, pursuant to Rule 26 and 30 of the Federal Rules of Civil Procedure, Plaintiffs in the above-captioned action, by and through the undersigned co-counsel, will take the deposition of Defendants A&W Concentrate Company and Keurig Dr Pepper Inc. ("Defendants") remotely via secure web-based deposition technology on February 12, 2021 starting at 10:00 a.m. EDT. The deposition shall be conducted via Veritext.

The deposition(s) will be taken before a person authorized by law to administer oaths, pursuant to Fed. R. Civ. P. 28, and will continue from day-to-day, excluding Sundays and court-recognized holidays, until the examination is complete.

Pursuant to Fed. R. Civ. P. 30(b)(6), Defendants shall designate and produce a designated representative or representatives, as may be required, to testify to the following topics:

1. The use of ethyl vanillin in A&W Root Beer.
2. The use of ethyl vanillin in A&W Cream Soda.
3. Any decision concerning the use of ethyl vanillin in A&W Root Beer.
4. Any decision concerning the use of ethyl vanillin in A&W Cream Soda.

5. Any decision concerning the use of words “Made With Aged Vanilla” on the packaging of A&W Root Beer, and any marketing materials and/or websites, including, but not limited to, the decision to first use the phrase “Made With Aged Vanilla”.

6. Any decision concerning the use of words “Made With Aged Vanilla” on the packaging of A&W Cream Soda, and any marketing materials and/or websites, including, but not limited to, the decision to first use the phrase “Made With Aged Vanilla”.

7. Any anticipated impact on sales or revenues from the use of words “Made With Aged Vanilla” on A&W Root Beer.

8. Any anticipated impact on sales or revenues from the use of words “Made With Aged Vanilla” on A&W Cream Soda.

9. Consumer opinion, reaction or response to the use of the term “Made With Aged Vanilla” on A&W Root Beer and/or A&W Cream Soda.

10. The willingness or unwillingness of consumers to pay a price premium for products that are, or claim to be, “Made With Aged Vanilla”.

11. Any research, studies, surveys, testing, market analysis, or polls concerning “Made With Aged Vanilla”.

12. Whether the use of ethyl vanillin or other artificial vanilla flavor ingredients is consistent with a claim that a product is “Made With Aged Vanilla”.

13. The amount of ethyl vanillin in A&W Root Beer compared to the amount, if any, of vanilla extract in A&W Root Beer.

14. The amount of ethyl vanillin in A&W Cream Soda compared to the amount, if any, of vanilla extract in A&W Root Beer.

15. Defendants' efforts to ensure that it complies with the "Made With Aged Vanilla" claims made regarding A&W Root Beer and/or A&W Cream Soda.

16. Any efforts by Defendants to assess the costs and/or impact on profits that would be entailed by using only vanilla extract instead of ethyl vanillin.

17. Your policies and practice, including any modifications thereto, concerning the deletion, backup, and preservation of electronic data.

18. Your efforts to preserve documents relevant to the above-captioned action.

19. Your efforts to collect and produce documents relevant to the above-captioned action.

20. The identity of Defendants' employees involved in the marketing, advertising, and labeling of A&W Root Beer and/or A&W Cream Soda.

21. The identity of Defendants' agents involved in developing and execution of marketing, advertising, and labeling of the Products.

Dated: February 5, 2021

**REESE LLP**

By: /s/ Michael R. Reese

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